

**FORM 18
NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM Charleston S C CIRCUIT COURT
James Benjamin Gosnell Jr Judge

Appellate Case No. 2026-001225

The State, Respondent

v.

Rafeel Santiago Miguel Smith, Petitioner/ Appella

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JUL 23 2026

SC Court of Appeals

SECOND MEMORANDUM OF LAW ARGUMENT BRIEF SHOWING PROOF AS APPEALABILITY

Rafeel Santiago Miguel Smith through the submission brief as memorandum in support opposing State of South Carolina (et al) totality of action of denial of legal and procedural due process as follows is alleged to have been violated absent tangible facts:

QUESTIONS PRESENTED

1. In accordance with **Brady v. Maryland, 373 U.S. 83 (1963)** which is the landmark U.S. Supreme Court case, which is binding in South Carolina, of which Brady V Maryland (1963) established that prosecutors violate constitutional due process if they withhold evidence that is material and favorable to the defense. As such did the person who made a judgment and the court confirming such unidentified person charges for judgment (based on a racial animus person having a preconceived reasonable suspicion was accurately detailed (without pure conjecture or mere speculation of what occurred) regarding legality and as procedurally detailed, by affirming per written Order the assessed guilt verdict (bench trial) of conviction (absent before the grand jury hearing for not allowance a plea of guilty or not guilty, but as a Nolo Contendere serves as an automatic plea of guilt which affirms the court rulings as being a guilty plea) , as in camera review with prosecutors and others were compiled in the absence defendant Rafeel Santiago Miguel Smith denying of such required chances at having a liberal construing of fair and equal procedural due process? (proof as disclosures of substantive material evidence was not provided)

2. Did the court judge error in judgment by not assuring that discovery was afforded to Rafeel Santiago Miguel Smith in violation of rule 5 and right according to rule 203 of S C A C R timely service of notice to appeal? (proof as disclosures of substantive material evidence was not provided)

3. In compliance to **Brady v. Maryland, 373 U.S. 83 (1963)**, did the court error in taking in camera review confessions of government informant or local operatives who intervened without stating a legal standing a civil or constitutional claims for being granted reliefs, as information was solely based on a person or group of person admitting to having probable cause without meeting the standard required of law?

4. Did the judge error by not allowing the reason for the conviction not mentioning the reason for the blue light stop and reasons for the stop is absent upon calling dispatch (records of call not disclosed of conversations with dispatch) upon finding the car was registered and owned by Leshell Smith (Rafeel Santiago Miguel Smith Mother), the car owner of which such officers on a duty that dark night had other idea to commit upon the car owner other than, was to intimidate, sexually harass or other means to scare a confession out of such persons, as State and government person were or are without presenting any form of identification or establishing had probable cause, just cause or establishing plausibility explaining in documented recorded details absent establishing reasonable doubt without 1) the initial reason for having reasonable suspicion, 2) the initial reason for targeting this vehicle for a stop, 3) and without knowledge or reason for the stop, and what occurred as transmitted information was given in camera by such person who claimed to have had reasonable suspicions to blue light in a dark place, which place is known as a high crime infested area? (recordings of dispatch communications and issues dispatched consulted responses is Needed)

5. Did the judge written orders or person who made personal judgments of which such judgments ensures that Rafeel Santiago Miguel Smith right were preserved, as the right to confront accusers did not violate S C Code 17-23-60 or constitution confrontation clause of this American Citizen? Proof needed as discovery was not afforded)

II. AS MEMORANDUM OF LAW BRIEF PARTICULARS OF BRADY v. Maryland, 373 U.S. 83 (1963)

U.S. Supreme Court

Brady v. Maryland, 373 U.S. 83 (1963)

Brady v. Maryland No. 490

Argued March 18-19, 1963 Decided May 13, 1963) 373 U.S. 83

Primary Holding

The government's withholding of evidence that is material to the determination of either guilt or punishment of a criminal defendant violates the defendant's constitutional right to due process.

In separate trials in a Maryland Court, where the jury is the judge of both the law and the facts but the court passes on the admissibility of the evidence, petitioner and a companion were convicted of first-degree murder and sentenced to death. At his trial, petitioner admitted participating in the crime, but claimed that his companion did the actual killing. In his summation to the jury, petitioner's counsel conceded that petitioner was guilty of murder in the first degree, and asked only that the jury return that verdict "without capital punishment." Prior to the trial, petitioner's counsel had requested the prosecution to allow him to examine the companion's extrajudicial statements. Several of these were shown to him, but one in which the companion admitted the actual killing was withheld by the prosecution, and did not come to petitioner's notice until after he had been tried, convicted and sentenced, and after his conviction had been affirmed by the Maryland Court of Appeals. In a post-conviction proceeding, the Maryland Court of Appeals held that suppression of the evidence by the prosecutor denied petitioner due process of law, and it remanded the case for a new trial of the question of punishment, but not the question of guilt, since it was of the opinion that nothing in the suppressed confession "could have reduced [petitioner's] offense below murder in the first degree."

Held: Petitioner was not denied a federal constitutional right when his new trial was restricted to the question of punishment, and the judgment is affirmed. Pp. 84-91.

(a) Suppression by the prosecution of evidence favorable to an accused who has requested it violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution. Pp. 86-88.

(b) When the Court of Appeals restricted petitioner's new trial to the question of punishment, it did not deny him due process or equal protection of the laws under the Fourteenth Amendment, since the suppressed evidence was admissible only on the issue of punishment. Pp. 88-91. 226 Md. 422, 174 A.2d 167, affirmed.

OPINIONS AND DISSENT BY U.S. Supreme Court Brady v. Maryland, 373 U.S. 83 (1963) Brady v. Maryland No. 490 Argued March 18-19, 1963 Decided May 13, 1963

373 U.S. 83

CERTIORARI TO THE COURT OF APPEALS OF MARYLAND

Opinion of the Court by MR. JUSTICE DOUGLAS, announced by MR. JUSTICE BRENNAN.

Petitioner and a companion, Boblit, were found guilty of murder in the first degree and were sentenced to death, their convictions being affirmed by the Court of Appeals of

Maryland. 220 Md. 454, 154 A.2d 434. Their trials were separate, petitioner being tried first. At his trial, Brady took the stand and admitted his participation in the crime, but he claimed that Boblit did the actual killing. And, in his summation to the jury, Brady's counsel conceded that Brady was guilty of murder in the first degree, asking only that the jury return that verdict "without capital punishment." Prior to the trial, petitioner's counsel had requested the prosecution to allow him to examine Boblit's extrajudicial statements. Several of those statements were shown to him, but one dated July 9, 1958, in which Boblit admitted the actual homicide, was withheld by the prosecution, and did not come to petitioner's notice until after he had been tried, convicted, and sentenced, and after his conviction had been affirmed.

Petitioner moved the trial court for a new trial based on the newly discovered evidence that had been suppressed by the prosecution. Petitioner's appeal from a denial of that motion was dismissed by the Court of Appeals without prejudice to relief under the Maryland

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Post-Conviction Procedure Act. 222 Md. 442, 160 A.2d 912. The petition for post-conviction relief was dismissed by the trial court, and, on appeal, the Court of Appeals held that suppression of the evidence by the prosecution denied petitioner due process of law, and remanded the case for a retrial of the question of punishment, not the question of guilt. 226 Md. 422, 174 A.2d 167. The case is here on certiorari, 371 U.S. 812. [Footnote 1]

The crime in question was murder committed in the perpetration of a robbery.

Punishment for that crime in Maryland is life imprisonment or death, the jury being empowered to restrict the punishment to life by addition of the words "without capital punishment." 3 Md. Ann. Code, 1957, Art. 27, § 413. In Maryland, by reason of the state constitution, the jury in a criminal case are "the Judges of Law, as well as of fact." Art. XV, § 5.

[The question presented is whether petitioner Rafeel Santiago Miguel Smith (ex parte) was denied a federal right as a United States of an American Naturally born American citizen by person who has denounced citizenship rights, by claiming to be a foreign unidentified county or person who conducts its business practice here in the United States of America (approval of government legal and lawful authority to occupy any government with legitimacy which has not been disclosed, or such facts are undetermined based on lack of identification disclosure per discovery and substantive material evidence per legal correspondence with detailed identity (green Cards and workers rights) as to who each party and every person was as identified a foreign born person as proof discovered and documenting such legal worker in government seats and office spaces) when the Court of Appeals restricted the new trial relief from order and judgments on the question of fraud for erroneous reasons for initial stop, suppression of evidence from a reasonable and impartial grand jury as not to infer discrimination or abuse of power as to government official and officers acting person act as the government of totality authority, and no statements detailing for having probable cause and reason for administrating attacks and abuses as punishment based on having an alleged reasonable suspicion so claimed for the blue lights in a dark crime ridden place while perpetuating to com mit fraud by deceiving Rafeel Santiago Miguel

Smith and to deceive the courts of actualities by substitution facts with hearsay reports.]
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We agree with the Court of Appeals that suppression of this confession was a violation of the Due Process Clause of the Fourteenth Amendment. The Court of Appeals relied, in the main, on two decisions from the Third Circuit Court of Appeals *United States ex rel. Almeida v. Baldi*, 195 F.2d 815, 33 A.L.R.2d 1407, and *United States ex rel. Thompson v. Dye*, 221 F.2d 763 which, we agree, state the correct constitutional rule. This ruling is an extension of *Mooney v. Holohan*, 294 U. S. 103, 112, where the Court ruled on what nondisclosure by a prosecutor violates due process:

"It is a requirement that cannot be deemed to be satisfied by mere notice and hearing if a state has contrived a conviction through the pretense of a trial which, in truth, is but used as a means of depriving a defendant of liberty through a deliberate deception of court and jury by the presentation of testimony known to be perjured. Such a contrivance by a state to procure the conviction and imprisonment of a defendant is as inconsistent with the rudimentary demands of justice as is the obtaining of a like result by intimidation."

[QUESTION PRESENTED; Did such persons, officers and official written orders support the commission to commit perjury by perjured testimonies to obtain numbers for state and local numbers for convictions without probable causes (a number thang), upon the administrative and criminal court by suppression the required substantive material evidence and the lack if details required of a hearing before the states grand jury to intervene with reasonableness and impartiality?]

In *Pyle v. Kansas*, 317 U. S. 213, 215-216, we phrased the rule in broader terms:

"Petitioner's papers are inexpertly drawn, but they do set forth allegations that his imprisonment resulted from perjured testimony, knowingly used by the State authorities to obtain his conviction, and from the deliberate suppression by those same authorities of evidence favorable to him. These allegations sufficiently charge a deprivation of rights guaranteed by the Federal Constitution, and, if proven, would entitle petitioner to release from his present custody. *Mooney v. Holohan*, 294 U. S. 103. "

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IV. LEGAL RELIEF AS ADDITIONALLY SUPPORTED AS based on the supporting memorandum of laws, Rafeel Santiago Miguel Smith prays that this court will dismiss this person verdict of guilt administered by South Carolina, (as person were delegated officers and officials as alleged without discovery) be afforded additional Legal reliefs by assigning sanctions by injunctive relief which enjoin other harmonious unequal and unprofessional procedural action from inferred acts of continued racial profiling, targeted while driving while black and brown (DWBB) which is not a crime identified by South Carolina State laws or constitution to suppress evidence to perjure, harass and discrimination under the color of law, as this petitioner memorandum of appealable actions serves in this court of appeals case 2026001225 , which by the foreseen laws

order and judgment must be DISMISSED FOR WANT OF JURISDICTION and for reversal based on suppression of evidence which cause and action adversely affected due process rights by denying a legal and procedural due process which right should have been preserved and protection secured of "ex parte" (as excommunicated from secret in camera review) which protections were voided according to law and as United States of America Citizen rights which disruptions followed be respectfully GRANTED, being used as my personal affidavit to support opposing to being mistreated, evidence misrepresenting the facts in the denied of procedural and legal due process rights nor have rights been preserved to this "ex parte", as herein being violated as claims are alleged enforcement by convictions (challenging and contesting the State of South Carolina and person judgments of guilt, for reversal of written order affirming or concurring a court guilt verdict as validated offences (as a not guilty choice was not offered to be pled), as executed and taken against this person Rafeel Santiago Miguel Smith, which rights as a South Carolina union resident and a United States of America union Citizen here in America, awhile respecting these rules and court laws.

July 20, 2026

Rafeel Smith

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